



State of Delaware
Public Employment Relations Board
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INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,)
LOCAL 1694-1, AFL-CIO,)
v.)
DIAMOND STATE PORT CORPORATION.)

ULP 14-02-943
DECISION ON THE MERITS

NOTICE OF DETERMINATION

1. The Diamond State Port Corporation is a public employer within the meaning of 19 Del.C. §1302(p).

2. The International Longshoremen's Association is an employee representative within the meaning of 19 Del.C. §1302(i). By and through its affiliated Local 1694-1, the ILA is the exclusive bargaining representative of a bargaining unit of DSPC employees within the meaning of 19 Del.C. §1302(j).

3. By requiring drug and alcohol testing of the "C" employees as a condition precedent to their progression to the "B" classification, DSPC violated 19 Del.C. §1307(a)(1) and (a)(3).

WHEREFORE, the Delaware State Port Corporation is hereby ordered to take the following affirmative steps:

1. Cease and desist from engaging in conduct which violates 19 *Del.C.* Section 1307(a)(1) and (a)(3).

2. Promptly reinstate all employees who were denied progression to the "B"

classification as a result of the drug and alcohol testing they were required to undergo in December, 2013, as a condition precedent to attaining "B" classification on January 1, 2014.

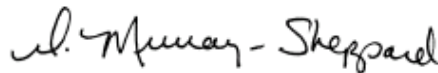
3. Make all affected employees whole for the 800 hours of work necessary to achieve and maintain "B" employee status for calendar years 2014 and 2015.

4. Immediately post the Notice of Determination in all areas where notices affecting employees in the bargaining unit represented by ILA, Local 1694-1 are normally posted throughout the Port and in its administrative offices. These notices must remain posted for a period of thirty (30) days in order to provide notice to all affected employees of the decision in this matter.

5. Notify the Public Employment Relations Board in writing within sixty (60) calendar days of the steps taken to comply with this Order.

IT IS SO ORDERED.

DATE: June 24, 2015



DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.